

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

SAMARITAN MINISTRIES INTERNATIONAL
and ten of its New Mexico members, namely,
ZACHARY & RACHEL CORDEL, DAVID
ALLAN & MONETTE BELL, REV. ANDREW &
HEATHER HEATH, JAY & AMY O'NEILL, and
REV. NATHAN & REBEKAH BIENHOFF,

Plaintiffs,

v.

ALICE T. KANE, in her personal capacity and in her
official capacity as the Superintendent of Insurance
for New Mexico,

Defendant.

**Case No. 1:23-cv-01091-MIS-
SCY**

Jury Trial Requested

**PLAINTIFFS' MOTION
TO STAY FURTHER
MERITS BRIEFING
UNTIL COURT RULES
ON MOTION TO
STRIKE**

Pending now is the Court's decision on Defendant's Rule 12(f) Motion to Strike ("MTS"; ECF No. 34) the First Amended Complaint ("FAC"; ECF No. 32). The MTS seeks to dismiss the FAC or to strike large portions of it. Also pending now is Plaintiffs' Response to Defendant's renewed Rule 12(b) Motion to Dismiss the FAC ("MTD-II"; ECF No. 42). MTD-II launches a new round of merits briefing that also will include Plaintiffs' renewed Motion for Preliminary Injunction ("MFPI-II"; ECF No. ____). To conserve the resources of the parties and the Court, Plaintiffs respectfully request a postponement or stay of further merits briefing until the Court rules on the pending MTS, which ruling may preclude or significantly alter the pending merits briefing. Otherwise, Plaintiffs' "Response to MTD-II" is due on August 21, 2024.

WHEREFORE, Plaintiffs respectfully move to stay further merits briefing, including their Response to MTD-II, until 14 days after the Court rules on the pending Motion to Strike.

Defendant's counsel have advised the undersigned that they oppose this motion.

Dated this 16th day of August, 2024.

Respectfully submitted,

GAMMON & GRANGE, P.C.

/s/ J. Matthew Szymanski

J. Matthew Szymanski, Esq.

Bar No. 23-267 (lead counsel)

Ph./Fx. (703) 761-5030

JMS@gg-law.com

Scott J. Ward, Esq.

Bar No. 23-361 (co-counsel)

Ph./Fx. (703) 761-5012

SJW@gg-law.com

1945 Old Gallows Road, Suite 650

Tysons, VA 22182

J. BRIAN HELLER, P.C.

J. Brian Heller, Esq.

Associated Counsel (as of 1/9/2024)

200 Walnut Street

Washington, Illinois 61571

jbhpc@comcast.net

Ph. (309) 444-9223

Fx. (309) 444-9723

Attorneys for the Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2024, a true and correct copy of the foregoing document was filed with the Court and served upon the parties via the CM/ECF system.

/s/ J. Matthew Szymanski

J. Matthew Szymanski